HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

W.A. No.961 OF 2006

Between:

The Superintending Engineer-
Operation Circle, APCPDCL,
Nalgonda and another

. . .Petitioners

AND

G.Anjaiah

. . .Respondent

:: JUDGMENT ::

Counsel for the petitioners : Shri G.Vidyasagar

Counsel for the respondent : Shri Md.Gulam Rasool
for Shri A.Radhakrishna

6th July, 2007

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PER G.S.SINGHVI, CJ

This appeal is directed against order dated 6.1.2006 passed by the learned Single Judge whereby he disposed of the writ petition filed by the respondents with the direction to the non-petitioners (the appellants herein) to finalise the departmental proceedings pending against him within a period of four weeks.

The principal ground on which the appellants have questioned the direction given by the learned Single Judge is that while deciding the writ petition, he was not apprised of the fact that the writ petitioner had already been removed from service vide Memo No.SE/OP/NLG/ADM/D.No.2280, dated 3.2.1996 issued by appellant No.1 and as a result of that, the master and servant relationship had come to an end.

We have heard learned counsel for the parties.

While Shri G.Vidyasagar reiterated that the learned Single Judge could not have given direction for finalisation of the departmental proceedings ignoring the fact that the writ petitioner had already been removed from service vide Memo dated 3.2.1996, Shri Md.Gulam Rasool, learned counsel for the respondent submitted that he is not in a position to controvert the factum of removal of his client from service.

In our opinion, the situation in which the parties find themselves is their own creation because neither of the learned counsel apprised the learned Single Judge about the writ petitioner's removal from service vide Memo dated 3.2.1996.

Be that as it may, in view of the fact that the writ petitioner had been removed from service on 3.2.1996, the direction given by the

learned Single Judge for finalisation of the enquiry has to be treated as infructuous and the writ appeal is also liable to be disposed of as infructuous. Ordered accordingly.

While disposing of the appeal in the manner indicated above, we make it clear that the respondents shall be free to avail appropriate legal remedy against order dated 3.2.1996 by filing application under Section 2-A (2) of Industrial Disputes Act, 1947. This, however, shall not be construed as a mandate of this Court for entertaining the application, which may be filed by the respondent and the concerned Court or Tribunal shall decide the matter without being influenced by the proceedings of Writ Petition No.225 of 2006 and this appeal.

As a sequel to disposal of the appeal, all the miscellaneous petitions filed by the parties, including WAVMP No.2379 of 2006, are disposed of as infructuous.

G.S.SINGHVI, CJ

6th July, 2007

C.V.NAGARJUNA REDDY, J

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